

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

FURMINATOR, INC.,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:10CV1829 RWS
)	
SERGEANT'S PET CARE)	
PRODUCTS, INC.,)	
)	
Defendant.)	

CASE MANAGEMENT ORDER - TRACK 3: COMPLEX

IT IS HEREBY ORDERED that the following schedule shall apply in this case, and will be modified only upon a showing of exceptional circumstances:

I. SCHEDULING PLAN

1. This case has been assigned to Track 3 (Complex).
2. All motions for joinder of additional parties or amendment of pleadings shall be filed no later than **June 24, 2011**.
3. Disclosure shall proceed in the following manner:
 - (a) The parties shall make all disclosures required by Rule 26(a)(1), Fed.R.Civ.P., no later than **June 3, 2011**.
 - (b) Each side may take fifteen (15) depositions, and may propound thirty (30) interrogatories.
4. Claims Construction and *Markman* Hearing:

(a) No later than **June 14, 2011**, Plaintiff Furminator shall disclose its Asserted Claims and Preliminary Infringement Contentions pursuant to Local Patent R. 3-1, together with all information required by Local Patent R. 3-2.

(b) No later than **August 2, 2011**, Defendant Sergeant shall disclose its Preliminary Invalidity Contentions pursuant to Local Patent R. 3-4, together with all information required by Local Patent R. 3-5.

(c) No later than **August 30, 2011**, Furminator may disclose, if necessary, its Amended Disclosure of Asserted Claims and Preliminary Infringement Contentions pursuant to Local Patent R. 3-1(b).

(d) No later than **September 13, 2011**, the parties shall simultaneously exchanged Proposed Terms and Claim Elements for Construction pursuant to Local Patent R. 4-1.

(e) No later than **September 20, 2011**, the parties shall, pursuant to Local Patent R. 4-1, meet and confer in good faith for the purposes of narrowing the claim terms to be construed, narrowing or resolving differences, and facilitating the ultimate preparation of a Joint Claim Construction Chart and Joint Prehearing Statement.

(f) No later than **October 10, 2011**, the parties shall simultaneously exchange their Preliminary Claim Constructions and extrinsic evidence, **including disclosure of claim construction expert witnesses and expert reports**, together with all other information required by Local Patent R. 4-2.

(g) No later than **October 17, 2011**, the parties shall, pursuant to Local Patent R. 4-2(c), meet and confer in good faith to discuss each of the claim elements identified in their Proposed Terms and Claim Elements for Construction for the purpose of narrowing the issues and preparing a Joint Claim Construction Chart and Joint Prehearing Statement.

(h) No later than **November 7, 2011**, the parties shall file their Joint Claim Construction Chart and Joint Prehearing Statement, containing all the information required by Local Patent R. 4-3.

(i) No later than **December 5, 2011**, the parties shall complete all discovery relating to claim construction.

(j) No later than **December 23, 2011**, the parties shall file cross-motions for claim construction.

(k) No later than **January 3, 2012**, the parties shall file responsive memoranda.

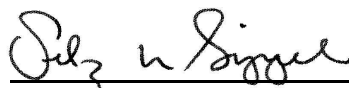
(l) A hearing on *Markman* issues will be held on **Tuesday, February 7, 2012 at 9:00 a.m. in Courtroom 10-South**. The Court will reserve one day for this hearing. Assuming a one-day hearing, **each party shall be limited to a total of three hours for presentation of evidence and argument.**

5. This case shall be referred to alternative dispute resolution on **September 9, 2011**, and that reference shall terminate on **November 9, 2011**.

6. After the Court issues its Claims Construction Ruling, the Court will set a scheduling conference to establish the remaining discovery deadlines and a trial setting.

IT IS FURTHER ORDERED that **the scheduling conference previously set for Friday, May 27, 2011 at 9:00 a.m. is cancelled.**

Failure to comply with any part of this order may result in the imposition of sanctions.



RODNEY W. SIPPEL

UNITED STATES DISTRICT JUDGE

Dated this 24th day of May, 2011.